

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes of the Regular Meeting of August 19, 1999

The Martha's Vineyard Commission (MVC or the Commission) held its Regular Meeting on Thursday, August 19, 1999 at 7:30 p.m. at Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Mass.

At 7:44 p.m., a quorum being present, Richard Toole, Chairman of the Commission and the Selectmen's Appointee from Oak Bluffs, opened the Special Meeting with a bang of his gavel.

Item #3: Approval of the Meeting Minutes of July 29, 1999.

Since there was no Public Hearing scheduled for that evening, Mr. Toole chose to start by running through the Agenda, beginning with Item #3, Approval of the Meeting Minutes of July 29, 1999. Michael Colaneri, a Commission member at large from West Tisbury, made a Motion to Approve as Written, which was duly seconded.

Jane A. Greene, the Selectmen's Appointee from Chilmark, pointed out that in the statement of Michael McGrath of Innovative RUCK Systems, Inc. during the Herring Creek Farm III Public Hearing, Mr. McGrath "did state that he was licensed for 1,000-gallon systems, and it nowhere appears in the Minutes. And that's a very significant fact." His testimony had also included the fact that 1.5-inch forcemain lines would be running from the systems.

Ms. Greene also noted that on page 11, paragraph 2, sentence 1, the word "agricultural" should be inserted after the semicolon so that the revised sentence would read: "Another response had been the devoting of the East Field, in perpetuity, to agriculture; agricultural restrictions, if any, would be at the discretion of the Commission."

Mr. Toole then asked for all in favor of Approving the Meeting Minutes of July 29, 1999. The voice vote went as follows:

AYES: C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early;
J. Greene; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent;
L. Sibley; J. Vercruysse; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: R. Toole.

[Note: J. Best and T. Israel had not yet arrived at the Meeting.]

Item #4: Reports.

Delivering the **Chairman's Report**, Mr. Toole announced that the mother of Staff member Christine Flynn had died the Friday before. He then provided details about services. Ms. Greene asked if it would be appropriate to send flowers. Executive Director Charles Clifford noted that the Staff had already sent a card and made a contribution to the Leukemia Society.

Mr. Toole also announced that there would be a second site visit to Herring Creek Farm the following day, August 20, at 4:00 p.m. He added that members should meet at the silo near the barn.

Providing the **Aquinnah DCPC Exemption Committee Report**, Ms. Greene noted that the group had met the Tuesday before. They had had before them three requests for exemptions. They had denied the first one, which was for a four-car garage with a storage area above it. There were still two others before them, both single-family houses, and the committee had asked for further information from these two applicants. The committee, she added, would be meeting again the following Tuesday, August 24, at 5:30 p.m.

Mr. Toole asked Ms. Greene if the committee was meeting every week. Ms. Greene replied, yes, although she hoped that after the next meeting, they would be able to cut back. She noted that the meetings were taking two and a half to three hours. There followed a brief discussion of the work involved for those members sitting on the committee.

Marcia Cini, a Commission member at large from Tisbury, said that the **Affordable Housing Subcommittee** had not met since the last Full Commission Meeting. They would be meeting next on Wednesday, September 1, at 5:30 p.m. at the Commission Offices. Ms. Cini noted that she had had "a great breakthrough" on the commercial side of the housing policy and that there seemed to be "a great deal of interest from the public" on the affordable housing issue.

Reporting on the **Planning and Economic Development (PED) Committee**, John Early, the Selectmen's Appointee from West Tisbury and the Chairman of PED, noted that the committee had met that evening at 6:00. The members had voted 1) to accept and proceed with the 240 number for the building permit cap; and 2) to accept the apportionment of permits as established by MVC Executive Director Charles W. Clifford. Mr. Early then read down the list of those numbers: Aquinnah, 7; Chilmark, 20; Edgartown, 94; Oak Bluffs, 52; Tisbury, 24; and West Tisbury, 43. In addition, the committee had begun to discuss exemption mechanisms and criteria, which they would continue to address at the next meeting, slated for Thursday, August 26, at 6:00 p.m. at the Commission Offices.

Christina Brown, a Commission member at large from Edgartown, asked Mr. Early if he would suggest that MVC members attend the building cap meetings that the Towns would be holding, beginning the following week. "Thank you, I was going to suggest that," replied Mr. Early, adding that it would be helpful for members to attend to help bring the Selectmen "up to date" on the DCPC process. A member asked about the dates and times of the meetings, and MVC Secretary Pia Webster left the room to fetch the meeting calendar.

Reporting on the **Cell Tower Study Group**, Ms. Brown said that they were "gearing up" for their meeting on September 18 at 9:00 a.m. at the Commission Offices. She remarked that it had been a long process to do a study of what kinds of antennas were acceptable and what kinds of locations were acceptable. "Please, join us," she added. There ensued a brief discussion of some temporary equipment that had been set up by the Secret Service for the President's visit.

Mr. Toole now had in hand the schedule of the Town meetings regarding the building permit cap, which he then read aloud. On Tuesday, August 24, would be: Oak Bluffs at 6:30 p.m. at the Oak Bluffs School; West Tisbury at 7:00 p.m. at the West Tisbury School; Chilmark at 7:30 p.m. at the Community Center; and Tisbury at 8:00 p.m. at the Katharine Cornell Theatre. Then on August 25 would be the Aquinnah meeting, at 7:30 p.m. at the Aquinnah Town Hall. [This was later postponed until Thursday, September 9, at 7:30 p.m. in the Town Hall.] Finally, on August 31 at 7:30 p.m., Edgartown would have its meeting at the Old Whaling Church.

"Anything happen up in Boston?" Mr. Toole asked Mr. Clifford. "Peter Blute got dumped," the Executive Director replied. Continuing with the **Legislative Update**, Mr. Clifford remarked that he did not see the State budget coming for two or three more weeks. "Has there been any movement on the part of the Governor to replace the Commissioner [Marie Allen] getting removed after the golf course [Meeting House Golf Club] vote?" asked Ms. Greene. No, replied Mr. Clifford. He then corrected Ms. Greene: "She resigned," he said. "Under pressure," added Anne Harney Gallagher, also a Governor's Appointee to the Commission.

Robert Zeltzer, a Commission member at large from Chilmark, had a question about a recent article he had read in a local newspaper. "When we voted on the golf course generally known as Vineyard Acres II, there was a particular layout and there was a concern on the part of many members of the Commission about protecting the frost bottom. In the new layout it seems that the golf course hugs all around the frost bottom and the drive goes across it," he said. "They've made dramatic changes in the layout. Are they required to come back?" Yes, said Lenny Jason, Jr., the County Commission's Representative.

Item #5, Possible Discussion: Pearlson Office Building Written Decision (DRI #496).

[Ms. Cini, Ms. Greene, Michele Lazerow (a Commission member at large from Oak Bluffs) and Megan Ottens-Sargent (the Selectmen's Appointee from Aquinnah), as well as Jim Vercruysee (a Commission member at large from Aquinnah) would not be eligible to vote on the Pearlson Office Building Development of Regional Impact; therefore, they left the room during the discussion and decision-making process.]

Regarding condition 1.a. of the Written Decision, Ms. Sibley moved to reference the revised landscaping plan by date, adding "and the revised landscaping plan dated August 9, 1999" to that condition. Ms. Sibley's Motion was seconded.

There followed some discussion about why Ms. Sibley wished the condition to be very specific. It seemed that there was a particular property where landscaping conditions had been skirted recently, and she wanted to avoid this in the case of the Pearlson Office Building.

Mr. Colaneri asked Mr. Clifford about conditions of compliance. Mr. Clifford's reply was inaudible. A brief discussion followed about the possibility of enforcing the conditions of the Decision and how a Certificate of Compliance could be made necessary before the issuance of the occupancy permit. Mr. Jason pointed out that the process did not work that way. Ms. Brown asked if compliance and enforcement were, in fact, problems. She suggested that the Commission require "sign-offs" as the Applicants proceeded with their developments.

Mr. Colaneri noted that the Commission Staff was currently going through a review of past Decisions, and he hoped that it would be discovered during that process who was in compliance and who was not. Based on that data, he said, the Commission should have a discussion of compliance enforcement. He added that he, for one, was in favor of requiring a Certificate of Compliance.

The Commission members then voted on Ms. Sibley's Motion, which vote went as follows:

AYES: C. Brown; M. Colaneri; M. Donaroma; J. Early; L. Jason, Jr.; L. Sibley; R. Toole; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: None.

INELIGIBLE: M. Cini; J. Greene; M. Lazerow; M. Ottens-Sargent; and J. Vercruysse *[the ineligible members had left the room]*.

[Mr. Best and Mr. Israel had not yet arrived at the Meeting.]

Then the Commission members present voted on the Pearlson Office Building Written Decision, as Amended. The vote went as follows:

AYES: C. Brown; M. Colaneri; M. Donaroma; J. Early; L. Jason, Jr.; L. Sibley; R. Toole; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: None.

INELIGIBLE: M. Cini; J. Greene; M. Lazerow; M. Ottens-Sargent; and J. Vercruysse *[the ineligible members had left the room]*.

[Mr. Best and Mr. Israel had not yet arrived at the Meeting.]

The five Commission members who had been ineligible to vote on the Pearlson Office Building DRI re-entered the room. John Best, a Commission member at large from Tisbury, also arrived. The time was 8:03 p.m.

Discussion: Growth Management and the "Call For Action" Letter.

Mr. Toole explained how Mr. Clifford had written a letter, inviting the writers of the "Call For Action" letter to that week's Meeting, as voted the week before by the Commission. He described how a package of materials had been enclosed with the invitation, including Mr. Clifford's own response to the letter; a copy of Chapter 831; and a copy of the Commission's budget. Mr. Clifford's letter had invited the signers of the letter to attend that evening's already-scheduled discussion on growth management, and a number of those signers were present in the audience. Mr. Toole then asked Mr. Clifford to provide an overview on what on been happening with regard to the building permit cap in particular and growth management in general.

Mr. Clifford explained how work on the building permit cap had begun about a year before. He asked the members and guests to refer to the copies of the "first-cut" numbers that had been distributed, with each Town broken down by size of lots and the number of lots that were still vacant. He noted that the referenda at the Town Meetings in the spring had been a wake-up call, as had been the "Call For Action" letter.

"I don't think you should be afraid to take a stand ... for something else," said Mr. Clifford. "You should be willing to stick your neck out." He then spoke of a conference call he had had recently with Steve Ewing, one of the signatories, and a reporter from WBUR. "I think that there is a concern on this Commission, as there is with the letter writers," Mr. Clifford continued, "that something needs to be done ... Things are changing before your eyes. I've been here 14 years. They've changed in my time."

Mr. Clifford went on that many who had seen the numbers he had compiled were surprised how many or how few available lots there were in their Towns. In Chilmark, for instance, where the lots were 3 acres or greater, there were more than 770 buildable lots. "This is not an easy issue," he remarked. The numbers were not going to be easy to juggle as the individual Towns conducted their building permit cap meetings over the next few weeks. He continued, "Nobody is going to be happy with the numbers we come up with. "But the Island has to take a step, if for nothing else, to level off the building so the folks in the building trades on this Island can continue to make a living on this Island and not have to go someplace else."

Mr. Clifford then recounted some talks he had had with a couple of Island builders. One, who did renovations and remodeling, had said he would not be affected by the cap. The other had said that he had taken on jobs that he had no hope of starting on for two years. "I don't know if I'm right or wrong," said Mr. Clifford "I'm just going by what I've been told." He added that one year of setting the building permit level back to that of 1993 would give the Island a chance to catch its breath and to look at the ramifications and consider perhaps doing it "in a more severe way."

Mr. Toole said that the way he saw it, there were two proposals on the table: the total moratorium on all permits promulgated in the "Call For Action" letter; and the building permit cap proposal. He said maybe they should start by discussing the letter and what the signatories had had in mind.

Edith Potter of Chappaquiddick, a letter signatory, thanked the Commission members for inviting them. She did wish to correct one thing: the group was not asking for a total moratorium, but for a DCPC, "just like for other Town [Aquinnah]." Her understanding was that there were exceptions and exemptions in the DCPC process. Mr. Toole replied that she needed to understand that the ramifications of such a moratorium would be "extreme." He then related some of the difficulties confronted by the Aquinnah DCPC

Exemption Committee in dealing with a relatively small number of permits. "I understand there's a process, but I don't know how practical that is," he said.

Ms. Potter then read from a prepared statement, which made the following points, among others: that the Towns had taken a good initiative with the referenda votes, but that they needed "a coach," which is why she had recommended the DCPC process be supervised by the Commission; that the growth cap alone would not be adequate to address the problems the Island faced; that the yearlong moratorium would afford the time needed to study those issues, like public transportation, traffic, affordable housing, and whether or not 240 was even the right number for the building permit cap; and that the group hoped that the Commission would take advantage of their offer to help financially with the necessary planning studies.

Clarissa Allen of Chilmark, another signatory, remarked that she had grown up on the Island and had been worried about potential divisiveness when early news reports about the two proposals had been released. She said she thought that what Mr. Clifford had said was "clear and direct" and that the Island was at "a critical, critical time." She knew from her work on Town Boards the amount of work that the Commission accomplished, and she noted that it had been "kind of scary" to sign the letter. "We all need you to support this," she said. "I'm not sure the building cap is the answer because I don't know if 240 is the number." *[Throughout these Minutes, Clarissa Allen will be referred to in all instances by her first and last names in order to avoid any confusion of her with former longtime Commission member Marie Allen.]*

Steve Ewing, a signatory as well as a member of the Edgartown Ponds Advisory Committee and Conservation Commission, said he did not know if a DCPC was the best thing for the Island. But he also felt that the Island was really a District of Critical Planning Concern, whether it was designated one or not. Having sat on exemption committees himself, he understood that they were very time-consuming and cumbersome. "The whole process can be very difficult," he said. And in the end, he added, based on his experience with the Edgartown Ponds DCPC, the process could be "very frustrating."

Having said that, though, he felt that the concept of an Island-wide DCPC should be on the table, being discussed as an option or a planning tool. "I think a DCPC, Island-wide, is one of the best tools we have on this Island to address these issues," he said. "And even if we get to the end of the year ... maybe you don't come up with very strict regulations ... Maybe you come up with a more finely tuned building cap. Maybe you come up with a few things like that. And then at least you have that structure in place from which you can hang the other amendments along down the road, year to year."

Ned Orleans, a member of the Tisbury Planning Board, said that they might be talking about the wrong issues. "The issue is not a building cap or a moratorium," he said. "The issue is what we're going to do with the time that we get through either of these things."

Because even if we don't have a moratorium or a building cap ... the problems still exist and we still need to do something about them." He then asked if any thought had been given to a program of what would be done with the time provided by the moratorium. A number of Commission members as well as signatories said at the same time that they had thought about it. Mr. Orleans then said that he had not heard anything about this aspect of the proposal.

Jim Athearn, another signatory, introduced himself, saying that he lived in Edgartown and had grown up in West Tisbury. He had been struggling with the questions being discussed that evening since around 1970, and he noted that he was both encouraged and discouraged by the idea of the building permit cap.

Mr. Athearn then attempted to sum up those "30 years of arguments" with an analogy he had once read in a book. If you take a live frog and drop him into boiling water, he is going to scream and jump out. He will recognize the extreme danger and get out. But if you put a frog in a pan of cool water and then heat that water slowly, the frog is happy sitting there. Although his life is being threatened more and more, he does not realize it. Then Mr. Athearn said that he saw the idea of going back to a building permit cap of 240 as sitting in boiling water. "Ninety houses in Edgartown in one year -- it's horrifying," he remarked.

He then discussed what would happen in five years with a 240 building permit cap. How many more schools would be built? How many more cars would be backed up at the blinker? How many more moped accidents would there be? "I just think it's unacceptable," he said. "It's going to take something radical, not just the same old adjustments."

Jim Rothschild of West Tisbury said, "I think we have on our hands an extremely sick patient ... and it's up to you all to find what is necessary to save this patient, keep him alive and bring him back to good health and life. That's the way I look at the long DCPC."

Russell Smith, the Legislative Liaison for the Island, remarked that imposing a DCPC was "an act of survival." "Our economy is, and has been, the summer resident," he said. He noted that the Island economy was far more dependent on those with summer homes on the Vineyard than on the tourists, who did not spend nearly as much money when they visited. Places like Atlantic City, Hull and Hyannis that depended almost solely on tourists had gone downhill, and "this is the track that we're on," he added.

Why did they come here? Mr. Smith asked rhetorically. "[F]or small-town New England, it's-a-safe-place-for-the-kids. They come year after year. They bring their families. This is our economy. If we destroy the ambiance or we let individuals through their actions destroy the ambiance of small-town New England, safe-for-the-kids, and we let people build things that portray 'Home of the Rich and Brave and Free,' this is not going to carry

our economy for the next 50 years. People do not pack up the car and go on vacation to suburbia. People do not pack up the car, middle-class people do not pack up the car and go on vacation on Hilton Head. We need to maintain the facade, even just the facade, of small-town New England, safe-for-the-kids, welcoming the middle-class vacationer, to maintain our economy for the next 50 years."

This, he concluded, was why limitations were necessary: it was an act of self-preservation. "We are not morally obligated," Mr. Smith said, "to let anybody come in here and trash the place so that we can say, 'We respected everybody's rights.' Our great moral obligation is to the 15,000 people who are here ... to make sure that their next 50 years are good. ... You come here, you play by our rules. You make sure our economy is enhanced and not degraded."

Ralph Graves, a signer of the "Call For Action" letter, wished to report to the Commission where the group of signers were with their yearlong, Island-wide DCPC petition. In the first week 400 people had signed to support the moratorium, 160 of whom were registered Island voters. "And I consider that every single one of those votes is a vote in support of the Commission saying, 'You are the only guys in town who can really do something, and we're asking you to do something,'" he said.

Mr. Toole asked for comments from the Commission members. Before any members could speak, **Clarissa Allen, a signatory who had spoken earlier**, said, "I just wanted to say, when I signed that, I never, you know, I never thought that everybody would have to lay down their hammer on Martha's Vineyard." She added that perhaps someone could clarify what a full Island-wide moratorium on all permits would mean. Mr. Clifford, the Executive Director, then went through the steps of the DCPC process once more. Afterward, at Mr. Toole's request, Mr. Clifford elaborated on the composition, functions and procedures of the exemption committee.

Clarissa Allen asked if there was any way just to have the moratorium address only new houses. Mr. Clifford explained that if the Commission were to proceed with the building permit cap instead of a blanket yearlong moratorium and were the Commission to ask for a new-construction, single-family-residence cap, they could only do it through a DCPC. And that, he said, emphasizing the word 'that,' could be limited only to single-family, new-construction houses. Everything else would be exempt. With a moratorium on all permits, on the other hand, you could exempt nothing.

Ms. Ottens-Sargent asked Mr. Clifford to explain how permit applications already "in the pipeline" would be handled. Mr. Clifford replied that each Town was different. "Some pipelines are much longer than other pipelines," he observed.

Turning to the present case of the Town of Aquinnah and its Town-wide DCPC, Mr. Clifford continued, "Even though your Town Counsel [in Aquinnah] has said all permits

must come to the Commission, the exemption committee does take into account how far along in the process this person has gone. If he's starting at square one, his road is obviously going to be a lot more difficult than if he has gone through A, B, C, D and E, and he's gone back to square one again with all his permits in his hand. Now he can't get his final permit because of the moratorium. ... I think the exemption committee is going to be a little more lenient in that situation than they are [with] somebody running through the door at the last minute saying, 'I'm here. I'm ready. Let's start!'" A brief discussion ensued on the issue of exemptions.

Clarissa Allen then asked, "Does that mean that the only cap that can be discussed is the 240?" No, replied Mr. Clifford, he was just trying to demonstrate the difference between the limited moratorium for the building permit cap and the full yearlong, Island-wide moratorium. Clarissa Allen responded, "But I'm not sure I'm comfortable with that number." Mr. Clifford suggested that she disregard the number. Clarissa Allen was still confused. Mr. Jason interceded and explained that if the area were nominated for a specific purpose (the establishment of the building permit cap), then the suspension of permits could also be very specific. The time was 8:46 p.m.

Then Ms. Sibley spoke of the advantage of the specific designation and how the Island could avoid spending a full year with the suspension of all permit granting. That, she said, would be "an administrative nightmare." Referring to Mr. Athearn's analogy of the frog in the pan of water, Ms. Sibley continued, "I think there are a number of members of the Martha's Vineyard Commission who think that the 240 permits is too high as a permanent solution. But, to take your analogy of the frog -- So the frog is at the point where he's almost boiled. One option would be to pick him up and throw him into a bucket of water with dry ice floating in it and freeze the frog to death, I mean, put him into shock and cardiac arrest, frankly. And I think that it's our feeling that if we were to go to a total moratorium, it would be like taking the economy of the Vineyard and throwing it into that bucket of cold water."

Ms. Sibley observed that the 240 number was a starting point and a safe number. The Island could step back and see what effects that cap had on the economy and then could "ratchet back" to lower and lower numbers, if that were appropriate and if it were the will of the people.

Ms. Cini offered some further clarification to Clarissa Allen on how the limited moratorium would proceed and how the Commission would, in fact, be addressing other "flaming issues" that needed attending to. Clarissa Allen responded, "That number that's being discussed is the number that represents the average over a number of years ... That number got us to where it [is] now ... I think you need to go a little further, and I think right away. And I think that's what people are looking to you for, is to take a big step and say, 'This isn't right, where we're at.'" "I agree with you," replied Ms. Cini. Then she

emphasized the need to ease into the changes necessary to tackle the hard issues facing the Island.

Mr. Jason asked the group of signatories how many of them had read the actual Island Action Plans and the actual Master Plan. For Mr. Jason, two things had come out of the July 18 forum at the Old Whaling Church. First, that the Island needs a plan. "I believe we already have one," observed Mr. Jason. Moreover, Paddy Moore had offered to mediate. "It's nice to say the Commission should do this, but, quite frankly, we write the guidelines," continued Mr. Jason. "We don't write the regulations. Master Plans have been developed. Action Plans have been accepted. And the 1990 Master Plan was accepted by the community -- It was drafted by the community," he said, emphasizing the word 'drafted.'

Mr. Jason remarked that Ms. Moore's offer to mediate would probably be a way for the Towns to buy into it, because everyone had to be convinced that this was the right way to go and these were the actions that should be taken. "I thought that was one way of getting what we all want," he added.

Ms. Lazerow observed, "Two forty might not be the magic number. It's an average. But it is something, and it is less than the building that is happening now. And we do desperately need to get together, and that's a great suggestion that Lenny [Jason] gave. And I think the Commission can host those kinds of discussions and really get the Towns to get a clearer vision ... But in the meantime, that [the building permit cap] is something that can be done. The 240 cap can be done. It has clearly been voted by the Towns. It's the will of the people. So that's the fastest thing that we can do ... This is the start of the process. And of course that would not be the end point at all. We need a lot more work to be done ... And I think clearly it's not just the Commission that has to do it. It's the Towns. Again, we can host the Towns' getting together and talking, and then the Towns have to sign on and vote on that." Ms. Lazerow then elaborated on what quality it was that people on the Island felt was being lost as it changed so rapidly.

Martha Weston of Edgartown remarked that it sounded to her as through a blanket Island-wide DCPC at that point would "tie up the Commission royally, so that you wouldn't be able to think about the other issues." Perhaps, she suggested, the DCPC process was not the way to get a handle on Island growth. Another possibility was for each Town to be a separate DCPC.

Addressing Clarissa Allen, Ms. Greene asked her if she realized that 240 building permits would be 100 permits fewer than were granted the year before. I do, responded **Clarissa Allen**. Ms. Greene noted that she agreed with Ms. Sibley that Commission was aiming to maintain a sustainable economy. Clarissa Allen asked if anyone knew how many off-Island workers were coming to the Vineyard to work. "We're talking 150 a day," said Ms. Greene, "so we talked about a number that would sustain our Island people and not be

having to bring in people in order to live. We've also talked about what would happen if this Island were an entire DCPC."

Ms. Greene then went into some detail about the number of hours the Commission members spent on their work, which was voluntary, and the fact that all but two of them worked full-time. Moreover, she continued, the Staff would probably have to be increased by at least six people, who in turn would require more office space. "We're looking at a building cap. The ripple from that is tremendous all over the Island," said Ms. Greene. "It's manageable. It's a start to get things under control. While we're working under this moratorium with the building cap ... it gives us time to start looking at everything. We're still going to have people coming in and wanting permits for all kinds of stuff. But we have to start somewhere, and we have to start at a level that's reasonable and that's workable. And I think that's how we've gotten to this number."

Mr. Zeltzer remarked that there were those who wanted a lower number and he personally was in favor of that. "I'm not sure what the right number is," he said, "but listening to people I respect who are around the table -- and I did not support the higher number -- I would certainly support it over no number." He pointed out that one did not want to focus the pain of any cap or moratorium on one slice of the population. "And the slice is not only the construction trade," he continued. "[Mr. Smith] spoke to us of the large middle class that lives on this Island, and that is not only tradespeople. These are people who work in the small restaurants, the shops, the people who supply building materials, refrigerators, light fixtures, and on and on and on."

Mr. Zeltzer noted that statistics were made to argue over. "And any of us who like to drive down [in the] late afternoon and take a quick swim in Menemsha will tell you that we'd like to do zero houses. But that's not realistic," he added.

Second, Mr. Zeltzer emphasized, "Exemptions are tough, and sitting on an exemption committee is brutal." He went on to describe the complexities of the process. "There are different kinds of objectivity," he said, "and I would certainly hate to have to sit on a Chilmark exemption committee and have to deal with the guy who lives across the street from me."

Mr. Zeltzer's third point concerned money. "I wonder, if our Executive Director came up with a budget and said, 'People are offering to support us' and said, 'This is what I need above and beyond what I can count on from existing funding' -- Is there a committee in place on the Island, a group in place on the Island that would write a check and hand it to our Executive Director and say, 'Here, hire the people you need. Get the computer systems you need. Get the extra vehicle you need to transport your people and let's do this thing right'? He then commended the Staff for their hard work. "In my working years, and I worked for myself, and I never worked harder than any of them," he said. He then concluded: "The support comes in a cashier's check."

Ralph Graves, a signatory who had spoken earlier, remarked that that offer had been made. "Send us the budget and see if we can answer it," he said. "Who in this group wants to receive the budget?" asked Mr. Zeltzer. "I would be happy to distribute it," replied Mr. Graves. "[But] that offer was meant to back up a moratorium, a yearlong moratorium, and I understand how terribly difficult that is. And our group did say, not that we ourselves would produce that amount of money, whatever it is, but that we would see that it could be found to support the Commission." Mr. Graves added that he knew how strapped the Commission was in terms of times and staff and that the group had thought that money was needed for studies. "Obviously, from Mr. Clifford's report, you've done the studies," he said, referring to Mr. Clifford's written response to the "Call For Action" letter.

Michael Donaroma, the Selectmen's Appointee from Edgartown, clarified with Mr. Graves what the group had thought a one-year Island-wide moratorium would entail when they had formulated their letter. Mr. Graves replied that they had not realized that zero permits could be issued under such a blanket moratorium. So what you're looking for is a limited moratorium? Can we safely throw out this one-year moratorium on everything? asked Mr. Donaroma. Would the group support a budget that would move in that direction? Mr. Graves replied, "Not quite. I'm not sure the 'Call For Action' group would put together money to support the Commission for a 240 building cap, which I think is a very modest proposal. Extremely modest."

Ms. Sibley once again clarified that both proposals involved Island-wide DCPCs and that the DCPC proposed by the Towns and the Commission was very specific with a very limited moratorium. "I would hope that your group would consider providing the financial support you're talking about, even if the Commission determines that it's wiser to start with a modest building cap and work from there," she said. Ms. Sibley added that unless something very surprising occurred in the Town meetings that had been scheduled, she could not foresee the Commission's supporting a blanket yearlong moratorium.

Ms. Sibley then posed a question to Mr. Graves: "Why would you want to cause the kinds of economic disruption it would cause? It isn't the only way you get to the same goal." Mr. Graves replied, "The proposal that was made -- and I can't speak for the group -- the proposal that we made was that we would support funding to support the yearlong moratorium. If you're going to do something else, you will have to ask us, and all of us would have to ask our associates ... I realize the Commission needs more support, not only for legal, but for, I think, emotional and political aspects."

Steve Ewing, a signer of the letter who had spoken earlier, wanted to know how much latitude there was in the Commission's legislation to allow them perhaps to streamline the exemption process. Also, would it be possible for the Commission to designate chairpeople from each Town to help with the exemption process? "It's not in the

legislation," replied Ms. Greene. But how much latitude do you have? Mr. Ewing asked. Mr. Clifford then remarked, "My suspicion, Steve, is if you have the nomination written properly, you can narrow it down enough so that everything else is left out. I would have to run that by Counsel. And the exemption committee -- it doesn't necessarily spell out who has to make up the committee. The committee can be four, three. It can be the whole Town." A brief discussion of the possible composition of the exemption committees ensued.

Mr. Ewing also spoke of his experiences on Town Boards and how difficult it was sometimes to do the things the committee members wanted to do. For instance, when people wanted to build a 13,000-square-foot house on Edgartown Great Pond, there was a national historic bylaw that allowed the Conservation Commission to dictate things like the color of the trim or the type of shingles used on the roof. But that was all. He had noticed, moreover, that this was incrementally becoming more of a problem in the Town. Mr. Ewing admitted that he was "groping," that he was trying to express the types of things that he would like the MVC to address.

Ms. Gallagher observed that perhaps both the Commission and the letter signers were seeking the same thing, only in different ways. She noted that the building cap numbers were not "carved in concrete" and that they could come down from the currently proposed levels.

Clarissa Allen, a signatory who had spoken earlier, remarked that it was not just what things on the Island looked like, it was what they felt like. She then mentioned her experience on Town Boards and the frustration often encountered when dealing with new proposals.

Mitchell Posin of Chilmark, a signer of the letter, said, "It seems to me that the big stumbling block is the economic impact that two forty-zero has." He suggested that the study be conducted of "who is building what. Where is that money going? ... If 50 percent of it is going off-Island, maybe we should do something about that 240 number ..." Mr. Posin added that if 240 new homes were built each year for 10 years, perhaps he would be in Montana in 10 years. "I'm scared of 240," he said. "That's why I came in with a zero."

Mr. Posin recommended that money be raised to do the studies necessary to determine what specifically should be done and what the effects these measures would have on the local economy. "Let's get educated," he suggested. "Let's do something." Ms. Lazerow remarked, "Let's [go with] the 240. The Towns are up and ready to go, and we can get that done now." There ensued some discussion about whether or not the Towns were, in fact, ready for the building permit cap of 240. Then the talk turned to the kinds of studies that could assure the public that the building permit cap was a good idea and would not result in one's neighbor losing his job.

Mr. Clifford said, "I can get a person tomorrow to do exactly what you're asking. I can make a phone call in the morning to find out how much it would cost." He then spoke about the Commission budget and his frustration with those who would compare the Martha's Vineyard Commission with the Cape Cod Commission, which had a far more substantial budget. He concluded, "I could find tomorrow somebody to answer the question that I think everybody out there is asking. I don't know how much right now because I have to call and ask him. But what I would need from both groups -- this group around the table [the Commission members] and you folks [the letter signers] -- are agreed-upon parameters. ... Give me some good parameters everybody agrees on."

Russell Smith, the Legislative Liaison who had spoken earlier, clarified once more the distinctions between the two proposals on the table. He then encouraged everyone to go to the Town meetings where the building permit cap proposal would be discussed. He also cautioned about getting caught up in the scope of the "Call For Action" proposal. "Let the building cap one go forward the way it's set up now and have your input on the Town level," he said. Meanwhile, those interested could work on funding for the studies needed before attempting to narrow down the more encompassing proposal.

One of the key issues related to the more sweeping proposal, Mr. Smith continued, was the exemption process. He remarked that there was "no way possible" for the Commission to handle that on its own. He had a suggestion: "Although the Commission legally has the last say, do not disband the Town Boards. Keep them working. Now, in Aquinnah the Boards are not meeting. They're just saying, 'Well, send that up to the Commission.' Well, I can tell you. You guys have no idea what's happened up there the last 20 years ... You ought to keep the Town Boards functioning. ... Have them do the work for you. And then everything that comes to you comes with a recommendation [from the Town Boards]." He also recommended that both DCPCs go forward. The time was 9:27 p.m.

"Isn't that how the first Commission used to do it?" asked Mr. Jason. He then recounted how around 1975, when he was on the Planning Board, that Board had referred a subdivision because there was a moratorium in place. He said, "The Planning Board came to the Commission, they held a Public Hearing and the Planning Board made a recommendation and did take public testimony. I think that's how we did it."

Edith Potter, a signer of the letter who had spoken earlier, said she agreed with Mr. Smith that both DCPCs should move forward, even if they did not all agree that it was the right number. "It's a step in the right direction," she remarked. She expressed a concern that the process would not keep going, and she suggested that there be more forums and Public Hearings on the subject.

Mr. Vercruysse noted that he was encouraged by the number of people who had turned out that evening to support the Commission. "We don't have many people here very often who really support us and try to get to work together. And that's really nice to see," he

said. He agreed with Mr. Posin that the Commission had to come up with some goals, and he thought that the building permit cap "was a really good place to start." Mr. Vercruysse then recommended that the cap be re-evaluated each year and that the necessary economic studies get done to determine the effects the cap was having and would be having in the future.

[Tristan Israel, the Selectmen's Appointee from Tisbury, arrived at the Meeting around 9:30 p.m.]

Mr. Vercruysse also suggested that the issue of affordable housing could be linked with building permits -- As the homes got larger, the building permits could get more expensive, with the additional money being filtered back into affordable housing. In addition, he said that he hoped that the problem of traffic on the Island would be addressed in the context of the broader DCPC.

Regarding the possible exemption committees, he noted that there were six Towns, with six people on each committees, and that there were only 17 Commission members. "It's so brutal, you know, telling people they can't do what they want to do on their own land. We've been doing it for weeks now in Gay Head, and it's very difficult," said Mr. Vercruysse, who had been serving on the Aquinnah DCPC Exemption Committee since its establishment in June.

James Athearn, the Edgartown farmer who had signed the "Call for Action" letter, pointed out that as far as a stated goal as concerned, everything would be helped by not having more people and more buildings on the Island. He also noted that the word 'sustainable' was important and that the building industry itself was, of course, not sustainable. "It takes away and takes away until it's gone," he said. As for the number 240, he thought it was too high, although if the number were lowered in each succeeding year after a thorough evaluation, he would not object to starting with 240.

Ms. Sibley said she agreed with Mr. Athearn that there should be a commitment to lowering the building permit cap each year. As far as the broader DCPC was concerned, she said, "I think that the only Island-wide DCPC that can possibly make sense is a quantitative one, with numbers of houses; maybe you can come up with numbers of something else. But anything else, when it gets to qualitative stuff, whether it be lights on piers or whatever, it can't be generalized to the whole Island. ... Frankly, I think the Island-wide DCPC is very radical. If you look at the legislation, I don't think that was envisioned. I think you can justify it for this one-shot, numerical thing for the building permits. But anything else, I think, really has to be tailored to individual Districts and their particular problems."

Ms. Sibley then spoke of the Ocean Park DCPC in Oak Bluffs and how it can address the very specific concerns of that neighborhood. Using the DCPC process in that case had

been streamlined as compared to a Historic District process, and it had accomplished exactly what the Townspeople wanted it to.

Peter Rosbeck, a member of the audience, remarked on the use of the DCPC as a tool to accomplish specific ends. He commented on the fact that traffic and affordable housing and a myriad of other issues were topics not unique to the Vineyard and that the distress was evident everywhere. He then spoke of his experiences in Nantucket, where a building cap had been in place for some years. "It's been a nightmare," he said. "With all the statutory exemptions and the teardowns ... I'm not really sure it's done what it was intended to do. That's why I'm saying, 'This Commission needs a lot of help'" He then spoke of the fact that more people than ever before were being flown in to work on that island. "There's a tremendous amount of work for this to happen right [here on Martha's Vineyard]," Mr. Rosbeck added.

Ms. Brown said that she was glad that the audience members were there, and she assured them that the Commission members shared all their concerns. "Each of us may have individual pieces of that and individual approaches," she added. Ms. Brown agreed with Mr. Posin that analyses of the possible economic effects of the building permit cap had to be studied in order to grapple effectively with Island growth. She noted that, like many others, she thought that the number 240 was "a place to start" and that she would welcome members of the letter-writing group to further discussions, both at Full MVC Meetings as well as meetings of the Planning and Economic Development (PED) Committee. "Let's talk in a smaller forum," she suggested. "Let's work out a scope of that plan, see whether it makes sense, see how much it would cost, and see if we can get the money for it."

Mr. Israel remarked that he could support the building permit cap. If the Commission could take a lead on this, it could demonstrate to the Island that it could play a leadership role. "Having said that, I really feel that a building cap is a half-measure," he said. In Tisbury, buildout was at hand in any event. He would support the cap, however, because it was "a move in the right direction." One of his primary concerns, Mr. Israel continued, was the automobile, and he was not opposed to the idea of, for instance, limiting the number of automobiles per household. "I think that traffic and congestion is a common theme that I hear everywhere," he said.

Mr. Israel then turned to the topic of DRIs and the amount of time and effort the Commission members had been spending this year on golf course proposals. "We need to do a self-examination, whether it be ideas [or] that once a month or twice a month, not dealing with Applications and [instead] dealing with more conceptual things ... And I think there's a lot of internal stuff, that [if] we're going to take more of a leadership role, that we need to do as well," he concluded.

Steve Ewing then commented how he had envisioned the exemption process being carried out. He said that the two big issues were 1) the Land Bank and buying the open space that was left; and 2) affordable housing. That was the goal that he had been looking at, he said, when he had chosen to support the blanket Island-wide moratorium on permits.

Ms. Ottens-Sargent remarked that for her the Commission had two identities: a regulatory one and a planning one. Moreover, she said, it was necessary to make a distinction between quantitative issues and qualitative ones. The building permit cap was clearly quantitative, and so to that extent the Commission could implement it.

"But I, too, have questions about whether a building cap is really a road to go down," she went on. "I think it's a tool, and I think there are various tools that we could utilize." She added that she was happy to hear Ralph Graves say that he was willing to go back to the letter-signers and to ask about funding some of the things that the Commission was able to do other than the "extreme" DCPC that had been proposed in the "Call For Action" letter. Ms. Ottens-Sargent continued that she hoped they could create a public-private partnership. "We could have funding coming from the private sector, from people who are involved and working with the Commission, to do what Tris [Israel] was talking about," she said.

Ms. Ottens-Sargent then commented about an article in the Tuesday, August 17, issue of the *Vineyard Gazette*, wherein the reporter had indicated that a discussion had gone off-track when it had turned to talk of how many planners the Commission could add to its Staff and "musings" about whether outside consultants should be brought in to conduct an independent examination of the Commission. "Actually, I don't think that that is off-point," remarked Ms. Ottens-Sargent. "That's something that funding from the private sector could assist the Commission with."

She then spoke further of a possible partnership between members of the private and public sectors; of the fact that she did not think she could support the notion of the "extreme" DCPC proposed by the letter-signers; and of her support of the 240 cap as a starting point.

Referring to Mr. Israel's concerns about traffic congestion, Mr. Zeltzer remarked that he did not think one could solve the transportation issue "in one fell swoop." He spoke of the development of the expanded public transportation system on the Island and the role that one Commission Staff member in particular had had in the process of making that system a reality.

Mr. Zeltzer then spoke of the petition that Ralph Graves had described, which already had the signatures of 160 registered Island voters, and told the letter-signers that, in fact, they could draw up a specific petition, if they wished, and nominate their own DCPC. "But you have to think very carefully about what you want to accomplish," said Mr. Zeltzer,

"because we [the Commission members] have to reflect the nomination that's brought to us." He then described the very specific nomination drawn up by the Planning Board in Aquinnah that had resulted in the entire Town's being designated a DCPC.

Then Mr. Zeltzer again cautioned the letter-signers: "Should you decide that you want to make such a nomination and use the signatories for that nomination, think very carefully what you want this body to do, because we don't walk in there and do what our hobbies are or what our hopes and prayers are. It's what you're telling us you want us to do." "A very fair request," remarked **Ralph Graves**. "Can I say something nice and brief?" Mr. Graves asked. "After me, anything's brief," said Mr. Zeltzer.

Mr. Graves then expressed the appreciation of the "Call For Action" group for the Commission's invitation. "This should not be the end of this," noted Mr. Jason. Several Commission members then encouraged the group to return. The Chairman, Mr. Toole, then explained to the group about the schedule of Full Commission Meetings and the "New Business" Agenda item. "We're here," he said, "and we welcome participation."

Ms. Greene requested that the group of letter-signers write down the goals they wished the Commission to accomplish during any proposed moratorium. "Also, what you envision that this Island should be in the next 20 years," she continued. "I think these are things that we're grappling with ... and I think the more input we have, the easier it will be to accomplish that goal. Because that's ultimately probably what we're all going through this process for." "Your second question is a lot harder to answer than your first," remarked Mr. Graves. A discussion of Ms. Greene's requests followed.

The time was 10:02 p.m., and Mr. Toole suggested that the Commission "wrap things up." He recommended that they devote a few more minutes to discussing the direction the Commission should be moving in. Ms. Lazerow remarked, "... [W]e can't do it alone. We need to work together. And so we need effort and we need the community to help us spearhead this." Mr. Jason suggested that the "Call For Action" group meet with the Commission again and that in the meantime they look at the Action Plans and see if there was something in those Action Plans that could be implemented.

Russell Smith commented that the building permit cap was a small piece of the picture. He encouraged everyone to be at the Town meetings set up to discuss the cap "because it could fall apart." He also wished to acknowledge the contributions of the late Doug Ewing, former head of the Martha's Vineyard Transportation Authority, to the development of the present public transit system. "Too bad he's not here to enjoy it with us," Mr. Smith said.

Mr. Best said that he could not help but see that the Commission had to get a better sense of what they did as a Commission, where they were going, "because, frankly, I can't help but think that we have more than a responsibility to see to it that this goes ahead. We

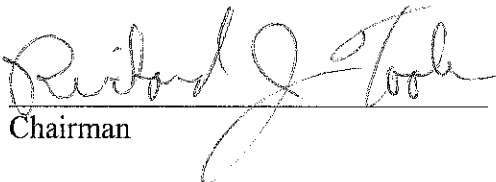
have the guilt of not having seen it 10 years ago." He went on to discuss the missed opportunity that the Commission had had 10 years before. "We also have to look at ourselves, look at the institution we have here and say, 'Do we just need three more Staff members to solve all our problems, or do we need to re-examine how we look at these problems, how we plan for the future, instead of react to the present?' And I can't help but think we've been remiss in that, and we need to do it."

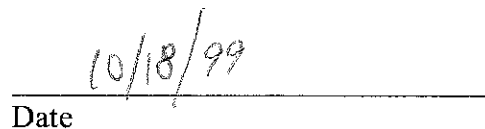
Ms. Ottens-Sargent noted that Mr. Best was saying something that was timely. Her husband, Bill Sargent, who was a former member of the Commission, had suggested to her recently that the Commission members go off on a retreat. A brief discussion ensued regarding this possibility.

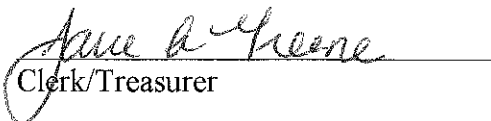
Winding down the Meeting, Mr. Toole reminded the members and the audience that the Planning and Economic Development Committee would be meeting on Thursdays at 6:00 p.m. at the Commission Offices. "Anybody from the public is welcome to attend those meetings," he said. "We get down and we get dirty in that one." "Here, here," responded several Commission members at the same time.

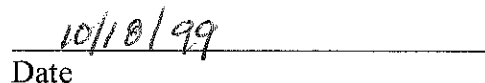
A provisional date of September 23 was chosen for the next Full Commission Meeting devoted to a discussion of growth management.

The Meeting was adjourned at 10:10 p.m.


Chairman


Date


Clerk/Treasurer


Date

PRESENT: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early; J. Greene; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; R. Zeltzer; and A. Gallagher.

ABSENT: B. Hall, Jr., T. Henson, Jr.; and M. Bolling.

*Summary of Revisions to the
Meeting Minutes of August 19, 1999
Proposed by Commission Members
in the Meeting of September 9, 1999*

[An excerpt from the Meeting Minutes of the Regular Meeting of September 9, 1999 follows immediately. It describes the actions taken by the Commission with regard to the Minutes of August 19, 1999.]

Page	Paragraph	Sentence	Revision
3	4	1	Change the term "Town meetings" to "public meetings."
6	3	3	Change the term "Town meetings" to "public meetings."
19	6	2	Change the term "Town meetings" to "public meetings."